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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,842	02/11/2002	Arturo A. Rodriguez	A-7496	6628

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SCIENTIFIC-ATLANTA, INC.  
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LAWRENCEVILLE, GA 30044

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/073,842	<b>Applicant(s)</b> RODRIGUEZ ET AL.	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 105,106,108-115 and 122-133 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 105,106,108-115 and 122-133 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remark*

1. Claims 1-104 were canceled in the amendment no 12 (dated 5/24/04). Claims 107 and 116-121 were canceled, and new claim 133 is added. Pending claims are claims 105-106, 108-115, and 122-133.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 105-106, 108-115, and 122-133 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 105-106, 108-115, and 122-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer et al. (U.S. Patent Pub No. US2003/0101454 A1/ or "Ozer") in view of Landemann (US Patent no. 6,735,572, B2).

Regarding claim 105, this limitation is met as Ozer discloses a method implemented by a television set top box or set top terminal (STT) comprising the steps of outputting to a television by the STT a graphical user interface (GUI) configured to identify advertisement categories, and under a user input at the STT for identifying or selecting a category of advertisements at the

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STT, the corresponding advertisements are downloading to the STT responsive to the user input (see Fig. 8 and page 2/section 0019 for an overview of a receiver device, such as a set top box; page 14/sections 0141, 0142, 0143 for the advertisement data is stored in category order, and based on the user input for advertisement contents, the advertisement contents corresponding to an interested category is displayed to the user, see more at page 18/section 0178 and page 19/section 0182).

Ozer further discloses that advertisement category having a first advertisement category and a second advertisement category, and the user provides a first and a second input corresponding to the first category and the second category, and after receiving the first and second user inputs, outputting to the television by the STT the corresponding advertisements of the first and the second advertisement category at a first and second future time during an interruption in a television presentation being output by the STT (page 2, section 0020 & page 5/section 0051 & 0055 for time of advertisement display can be any time as “flexible advertisement” as well as advertisement categories can be preset or selected by the users (page 9/section 0091 and page 11/section 0108 as the user can select the areas of preferences); and future schedules of advertisement can also be set (page 6/section 0066) based on a number of times (page 7/section 0070).

Applicants argues that Ozer does not allow the viewer to select an advertisement category to be included in a viewer's preference; however, Landesmann teaches an exact same technique in offer the user an advertisement category to be included in a viewer's preference (refer to Landesmann, col. 13/line 60 to col. 14/line 200 & col. 16/lines 32-63) and the advertisement

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categories can be stored locally to the viewer's device or at a database server (refer to Landesmann, Fig. 12/step 1210 and col. 31/line 50 to col. 32/line 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ozer's system with Landesmann's technique of storing advertisement categories at the user's device in order to quickly providing target advertisement categories to the user based on the user's preference as suggested by Landesmann.

As for claim 106, this limitation is met as Ozer shows in Fig. 1 & 2 that a control module 16 interacts with the users at receiver module 20, which receives the user inputs at a database, as shown with (database) historical data 46 (see further on page 7/section 0070-0072).

(Claim 107 was canceled).

As for claim 108, this limitation is met as Ozer discloses that based on the scheduled time, the advertisement can only be targeted to right viewers based on their preferences and profiles from the receiver module or the user (page 2/section 0020-0021).

As for claim 109, this limitation is met as Ozer discloses a technique of tracking the displayed advertisements or previously viewed advertisements (page 6/section 006 for tracking advertisements; and page 14/section 0144 for previously viewed advertisements with offering to other choices); and Ozer discloses that user interaction for advertisement content is recorded in a log as means for identifying that at least a portion of the advertisement was viewed by the user (Fig. 9, step 334 through step 342, and page 19, section 0181 & 0182).

As for claim 110, this limitation is met as Ozer discloses further comprising outputting the advertisement to a television during an interruption in a television program, or in other words, between portions of broadcast programming and at predetermined time periods (pages 16-17, sections 0161 & 0162 as the advertisements can be scheduled at any time at various different locations).

As for claim 111, this limitation is met as Ozer further discloses that various attributes associated with groups of the advertisement contents as the subcategory of advertisements that correspond to respective broader categories (page 9/section 0091 for targeted genre and further additional dimensions that define various properties and attributes of target criteria as “subcategory”).

As for claims 112 and 113, these limitations are met as Ozer further discloses that advertisements has defined duration display times, and they are stored within the receiver 20 or the set top terminal (page 17/section 0162 & 0176, and being removed after the predefined period (as illustrated in Fig. 9, step 336).

As for claims 114 and 115, these limitation are met as Ozer discloses that as soon as the user click through or viewed the advertisements, the advertisement can be removed based on the log of committed advertisements using the weight value as a measurement of user activities whether to select the advertisements for viewing or not (page 18/section 0178 to page 19/section 0182).

As for claims 122-132, these claims with same limitations are rejected for the reasons given in the scope of claims 105-106, and 108-115 as disclosed in details above.

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As for claim 133, this limitation is met as disclosed by Landesmann as discussed in claim 105 above.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for Technology Center 2600 only)

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal flourish extending to the right.

Krista Bui  
Primary Examiner  
Art Unit 2611

KB  
May 17, 2005